

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 27, 2004**

DIVISION ONE

B174730      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Laura S.

The judgment is affirmed.

Spencer, P.J.

We concur:    Vogel (Miriam A.), J.  
                 Mallano, J.

B174822      People      (Not for Publication)  
                 v.  
                 Courduff

The appeal is dismissed for lack of jurisdiction.

Spencer, P.J.

We concur:    Vogel (Miriam A.), J.  
                 Mallano, J.

B170597      People      (Not for Publication)  
                 v.  
                 Sanchez

The judgment is affirmed.

Spencer, P.J.

We concur:    Vogel (Miriam A.), J.  
                 Mallano, J.

## DIVISION ONE (Continued)

B171425      People                          (Not for Publication)  
v.  
Valenzuela

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The judgment is reversed and the trial court is directed to exercise its sentencing discretion with respect to the criminal street gang enhancement.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B172013 Carpenter (Not for Publication)  
v.  
Loyola Marymount University

The order is reversed. The Clerk of the Court is directed to mail a copy of this opinion the State Bar of California. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B170731 People (Not for Publication)  
v.  
Baeza

The judgment is modified by striking the gang enhancements imposed on counts 1,2,3 and 4. The trial court is directed to recalculate defendant's sentence and to prepare an amended abstract of judgment, a copy of which is to be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

October 27, 2004 (Continued)

DIVISION TWO

B169484 People v. Hicks (Not for Publication)

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Nott, Acting P.J.  
Doi Todd, J.

DIVISION FOUR

B171362 People (Not for Publication)  
v.  
Lundin

The sentence is vacated and the case is remanded for resentencing consistent with this opinion. In all other respects the judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Grimes, J. (Assigned)

B171165 People (Not for Publication)  
v.  
Hurtado

The judgment is affirmed. The sentence is modified by striking the 4 year enhancement imposed upon count 1 pursuant to Penal Code section 186.22, subdivision (b)(1). The trial court is directed to correct its minutes reflecting the modification.

Hastings, J.

We concur: Epstein, P.J.  
Grimes, J. (Assigned)

October 27, 2004 (Continued)

## DIVISION FOUR (Continued)

B169936 People v. Moore (Not for Publication)

The judgment of conviction is affirmed. The matter is remanded to the trial court for resentencing in accordance with the views expressed in this opinion.

Hastings, Acting P.J.

We concur: Curry, J.  
Grimes, J. (Assigned)

DIVISION FIVE

B175498      People      (Not for Publication)  
v.  
Nathaniel Thomas

The judgment is affirmed.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

## DIVISION SIX

Court convened at 2:00 P.M. in the Santa Barbara Board of Supervisors Hearing Room.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B168889      Marriage  
v.  
Calcagno

Merits:  
Argued by Thomas J. Hutchinson for appellant / cross-respondent and by Jay M. Johnson for respondent / cross-appellant. Cause submitted.

## DIVISION SIX (Continued)

B166870      Songer  
v.  
Bordan

Merits:

Argued by Wiley Ramey for appellants Adam M. Bordan, et al. and by Howard M. Becker for respondent. All counsel are ordered to inform the court within forty-five (45) days as to the intent of the estate of appellant Lawrence Bordan to request further oral argument.

Submission is deferred 45 days.

B167028      Parker  
v.  
McCaw

Merits:

Argued by James M. Harris for appellant and by Gary L. Bostwick for respondent. Cause submitted.

Court adjourned at 3:55 P.M.

## DIVISION SEVEN

B151922 People (Not for Publication)  
v.  
Medina

The true finding on the verdict on the robbery-murder special-circumstance allegation is reversed, and the award of presentence credits is vacated. As to those matters, the case is remanded for further proceedings not inconsistent with this opinion. In all other respects the judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

October 27, 2004 (Continued)

## DIVISION SEVEN (Continued)

B169434      Verbukh      (Not for Publication)  
v.  
California Department of Health Services

The judgment is affirmed. The Department is to recover its costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                      Zelon, J.

DIVISION EIGHT

Court convened at 9:09 a.m.

Present: Cooper, P.J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B167652 County Of Los Angeles v. Granite State Ins. Co.  
B168419 People v. Igor & Mger Sedrakyan  
B168920 People v. Rivera et al.  
B169227 People v. Rodriguez  
B170423 People v. Saz  
B170874 People v. Diaz  
B171356 People v. Reodica

Argument waived, cause submitted.

B170939      People  
v.  
Austin W.

Appearances:  
Jan B. Norman for appellant and no appearance for respondent. Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B164694     Jurek  
                 v.  
                 Bowman

Appearances:

Thomas P. Dunlap for respondent and no appearance by appellant.

Argument waived, cause submitted.

Court recessed at 9:20 a.m.

Court reconvened at 9:39 a.m.

Present: Cooper, P.J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B170864     Feldt et al.  
                 v.  
                 Mar Investments, LLP

Appearances:

Mark D. Alpert for appellant and Henry E. Heater for respondents. In open court the above matter was continued to December 17, 2004, at 9:00 a.m.

B159223     City of Santa Monica  
                 v.  
                 Heller et al.,  
                 Stewart

Merits:

Argued by Anthony P. Serritella, Deputy City Attorney for appellant and by Frederic D. Woocher for intervenors and respondents and by John A. Ramirez for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B160037 City Of Pasadena et al.  
B162530 v.  
B164794 Foundation Of Taxpayer et al.

Merits:

Argued by Fredric D. Woocher for appellants and by T. Peter Pierce for respondents. Cause submitted.

B164687 Kozak et al.  
v.  
Packing Crate Classic, Inc., et al.

Oral argument has been continued to November 24, 2004, at 9:00 a.m.

B169141 Muller et al.  
v.  
Daniel Freeman Hospitals, Inc., et al.

Oral argument has been continued to November 30, 2004, at 9:00 a.m.

B170448 Estate Of Norma Vides et al.  
v.  
City Of Los Angeles

Oral argument has been continued to November 30, 2004, at 9:00 a.m.

Court adjourned at 11:51 a.m.

B177653 Faulk  
v.  
Velazquez

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 25, 2004) dismissed.



October 27, 2004 (Continued)

## DIVISION EIGHT (Continued)

B169359 People (Not for Publication)  
v.  
Gutierrez

The portion of the judgment denying appellant pre-sentence credits is vacated and the cause is remanded for a proper determination of pre-sentence custody credits. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.  
Flier, J.

B177813      Gina Post  
v.  
Eugene Leoni

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 20, 2004) dismissed.